

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DELOISE PRICE,

PLAINTIFF

VS.

CASE No. 2:06-CV-721

**WAL-MART STORES, INC.,
et al.,**

DEFENDANTS

UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now Defendant and moves this Honorable Court to continue the trial or reschedule same from its current setting of April 14, 2008 on the following grounds:

1. Both counsel Dennis R. Bailey and Bethany L. Bolger are currently scheduled to try a products liability case in the United States District Court for the Northern District of Alabama styled “Timothy Morgan and Carol Morgan vs. Electrolux Home Products, et al.” before the Hon. Robert Propst on April 14, 2008, in Gadsden. Said case was set for trial by order dated December 20, 2007.
2. The above-styled case was scheduled for trial on April 14, 2008 on January 29, 2008 after a mistrial.

3. Counsel for Defendant has contacted counsel for the Plaintiff and advised them of the conflict. Counsel for Plaintiff has no objection and indicated they would join in the motion for continuance.
4. Counsel for Defendant could try this case the week of April 7, 2008 or the week of April 21, 2008 should the Court find those dates acceptable to its schedule.

WHEREFORE, Defendant moves this Honorable Court to continue or reschedule the trial from its present setting of April 14, 2008 as a result of a conflict with a previously-scheduled case before the Northern District of Alabama at that same time.

/s/ Dennis R. Bailey
Dennis R. Bailey
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following counsel of record by placing a copy of same in the United States Mail, first class postage prepaid, on this the 30th day of January, 2007.

Jock M. Smith
Brian P. Strength
Valerie Rucker Russell
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/s/ Dennis R. Bailey
Of counsel